IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

Crl.MC.No. 372 of 2007()

CRIME NO. 236/05 OF PUTHUNAGARAM POLICE STATION

PETITIONER//A4:

SHAJI P.M., S/O. MOHAMMED
PUTHIYAVEETTIL HOUSE, TRICHUR.

BY ADV. SRI.P.K.ANIL

RESPONDENTS/COMPLAINANT & STATE:

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1. THE SUB INSPECTOR OF POLICE
   PUDUNAGARAM POLICE STATION
   PALGHAT DIST.

2. STATE OF KERALA, REP. BY PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 372 of 2007

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Dated this the 14th day of February, 2007

O R D E R

The petitioner has come to this court with a request that Annex.I F.I.R. and Annex.II seizure mahazar may be quashed. The request to me appears to be surprising and intriguing too. The seizure mahazar shows that a vehicle was intercepted by the police and seizure of contraband articles was made. The F.I.R. was registered against two persons and the petitioner is not arrayed as an accused either in the seizure mahazar or in the F.I.R. The petitioner has come to this Court with the prayer that such F.I.R. and seizure mahazar may be quashed. They do not refer to the petitioner at all.

2. Why does the petitioner wanted them to be quashed? The counsel submits that they may be quashed in so far as they relate to the petitioner. They do not relate to the petitioner and this prayer again is not acceptable. The counsel submits that the police personnel have been making enquiries about the petitioner. For what purpose? No specific answers are forthcoming. If the petitioner apprehends that he will be arrested, he must seek anticipatory bail if

so advised. If he wants to quash all proceedings against him without caring to ascertain whether he has been arrayed as an accused or not, such prayer cannot be accepted. I have no reason to assume that the police would array the petitioner as an accused without sufficient reasons. If and when that is done, the remedies available to the petitioner will continue to be available with him. At any rate, I do not find any reason to quash Annexures I and II at this stage at the instance of the petitioner, who is not even shown as a party in those documents. The learned counsel for the petitioner reiterates that the respondent is attempting to arrest the petitioner. I repeat the petitioner must seek the remedies available to him under law to claim anticipatory bail.

3. This Crl.M.C. is hence dismissed.

(R. BASANT)
Judge

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